

Stewards' Report

Stewards Report: John Zielke

Date: 22 September 2020

Panel: P Chadwick, D Aurisch and P Zimmermann

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into the procurement of preparations that had not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.

The Stewards charged trainer John Zielke pursuant to Australian Rule of Racing 256(2)(a)(iii) after hearing evidence from Mr Zielke at the commencement of the inquiry on 2 March 2020.

Australian Rule of Racing 256(2)(a)(iii) provides:

A person must not:

(a) procure;

any of the following:

(iii) a substance or preparation that is not permitted to be in a person's possession or on a person's premises in accordance with AR 252(1).

Australian Rule of Racing 256(3)(b) provides:

"procure" includes the purchase and/or receipt of a substance or preparation.

Australian Rule of Racing 252(1) provides:

A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.

The specifics of the charge being that John Zielke, as a trainer licensed by the Queensland Racing Integrity Commission, did procure a preparation that was not permitted to be in his possession or on his premises in accordance with AR 252(1) from an unregistered and unlicensed person on one (1) occasion, with the cost of the procured products totalling \$620.00.

Mr Zielke entered a plea of not guilty to the charge and provided written submissions in defence of the charge and on penalty.

After considering all of the evidence and submissions, the Stewards were comfortably satisfied that sufficient evidence existed to substantiate the charge and Mr Zielke was formally found guilty of the charge.

In determining penalty in relation to the charge, the Stewards considered the following:

1. Mr Zielke's plea of not guilty;
2. the nature, circumstances and seriousness of the offending conduct, including Mr Zielke's admission that he procured what he believed to be two (2) saline drenches from an unlicensed and unregistered person, although Mr Zielke had no knowledge that this person was unregistered, and further that Mr Zielke was unhappy with the drenches upon receipt as they were unlabelled and, as such, Mr Zielke believed the drenches may be in breach of the Australian Rules of Racing and he therefore disposed of the drenches'
3. Mr Zielke's personal circumstances, including the number of horses currently under his care and control (being approximately twenty-three (23) horses with an additional twenty-one (21) horses being broken in) and the number of employees at his stable (being three (3) stablehands and five (5) trackwork riders);
4. Mr Zielke's disciplinary history over a period of approximately thirty-four (34) years;
5. Mr Zielke's cooperation throughout the inquiry, together with his frank and forthright evidence;
6. the penalty precedents for the offence; and
7. the need for the penalty to act as both a specific deterrent to Mr Zielke to reduce the risk of further offending and a general deterrent to the wider racing industry for the integrity of the racing industry to remain paramount.

The Stewards, having considered the above factors, determined the appropriate penalty was a monetary penalty in the amount of \$1,000.00.

Mr Zielke was advised of his rights to apply for an internal review of the decision pursuant to Chapter 6 of the *Racing Integrity Act 2016* (Qld).
